

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73041

Edward J & Arlene J Riggs

1907 Oxley Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 4, 2010, for a Hearing on citations for violations of the Baltimore County Code (BCC) section 35-5-302 (b), (b)(1,3), (b)(7), failure to properly repair, secure, maintain exterior stairs and fencing on front porch, failure to maintain porch and stairs in safe condition; section 35-5-302 (b)(5), failure to protect exterior surfaces of wood, metal, etc., against decay, rust, peeling and/or flaking; section 35-5-302 (b)(6), failure to maintain doors, frames, etc., so as to be protected against rust, peeling, flaking, cracks or holes; section 13-4-201 (b)(d), failure to store waste in rodent resistant watertight containers with tight fitting lids: violations June 14, 2010 through August 4, 2010 on residential property zoned DR 10.5 known as 1907 Oxley Road, 21222.

On July 15, 2010 and on August 2, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued Code Enforcement & Inspections Citations. The citations were sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation issued July 15, 2010 proposed a civil penalty of \$30,600.00 (thirty thousand six hundred dollars).

The citation issued August 2, 2010 proposed a civil penalty of \$200.00 (two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 14, 2010 for storage of garbage in containers with tight lids, cut and remove tall grass and weeds, repair decorative trim, cornices, etc., repair exterior structure, repair metal/wood surfaces, scrape/remove all loose and flaking paint and repaint, repair all railings, steps etc. on front porch. These Citations were issued on July 15, 2010 and August 2, 2010.

B. Photographs in the file show severely peeling paint on the doorframe surrounding the front door. Photographs show the paint on the metal headers above the front door and front bay window, and on the window awnings, is also peeling and missing. Photographs show the metal railings on the porch are rusting and peeling. Respondent is required by law to maintain the exterior of the house at least in conformance with County code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. Respondents must scrape and paint these exposed surfaces. This part of the Citation will be enforced.

C. Photographs in the file show the front steps and porch are damaged, with the concrete crumbling on the edges. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. It is unclear from the photographs whether the damage is cosmetic or a safety concern; this Order will refer the case to the Department's Building Inspectors for further evaluation.

D. Photographs in the file show garbage cans without lids, overflowing with bagged garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Review of the file shows that multiple Citations have been enforced during 2010 for the same violation, with civil penalties imposed. This part of the Citation will be enforced.

E. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. The civil penalty will not be fully rescinded because of the multiple recent violation cases for improper storage of garbage.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by September 30, 2010, with all garbage properly stored in cans with tight lids and with all peeling exterior surfaces properly painted and made weatherproof.

IT IS FURTHER ORDERED that this case be referred to Baltimore County Building Engineer for inspection of the damaged porch and steps.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer